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RE: *State of Delaware v. Lauren McNulty*
Case No.: 0706009279

LETTER OPINION

Dear Counsel:

This case has been tried and there remains for decision the issue of self defense – justification and then the ultimate issue of guilt or innocence of the defendant.

The facts are as follows: Earlier in the day in question, the parties had a verbal confrontation which ended without blows being struck and the parties left each others company although the court is of the opinion that Ms. McNulty knew or should have known of Ms. Pipher's aggressive attitude toward Ms. McNulty.

Ms. McNulty and a friend intended to go to a movie at the Brandywine Town Center but didn't. They left the area and proceeded past the Friendly's restaurant and the court is satisfied that it was McNulty's intention to see and talk to Ms. Pipher who Ms.

McNulty knew was predisposed wanting a confrontation with Ms. Pipher, and they did meet.

It is true that both had a right to be there and neither had to leave because the other was there, the rule lies in who initiated the contact.

I am satisfied that Ms. Pipher expelled spittle in the heat of the argument which struck Ms. McNulty and Ms. McNulty then expecting an attack struck out at Ms. Pipher and thereafter a tumult occurred and these charges are the result of that incident.

I am satisfied that Ms. Pipher's actions can reasonably be interpreted by Ms. McNulty as aggressive and Ms. McNulty responded with equal aggression.

The Court is not convinced beyond a reasonable doubt that the defendant is legally responsible for this attack and therefore the defendant is found not guilty.

William C. Bradley
Judge